

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH OF MASSACHUSETTS,)
et al.)
)
Plaintiffs,)
)
v.) Case No. 1:25-cv-10338
)
NATIONAL INSTITUTES OF HEALTH, *et al.*,)
)
Defendants.)
_____)

ASSOCIATION OF AMERICAN MEDICAL)
COLLEGES, *et al.*)
)
Plaintiffs,)
)
v.) Case No. 1:25-cv-10340
)
NATIONAL INSTITUTES OF HEALTH, *et al.*,)
)
Defendants.)
_____)

ASSOCIATION OF AMERICAN)
UNIVERSITIES, *et al.*)
)
Plaintiffs,)
)
v.) Case No. 1:25-cv-10346
)
DEPARTMENT OF HEALTH AND HUMAN)
SERVICES, *et al.*,)
)
Defendants.)
_____)

DEFENDANTS' MOTION
FOR AN EXTENSION TO FILE BY 11:59 PM ON DATE OF DEADLINE

Defendants respectfully move the Court to grant an extension *nunc pro tunc* allowing the Defendants to file their Opposition to Plaintiffs' Motions for Temporary Restraining Orders by 11:59 pm on February 14, 2025, notwithstanding Local Rule 5.4(d). Defendants requested Plaintiffs' concurrence but had not yet received responses from Plaintiffs at the time of filing.

Good cause exists for this request. Three separate Motions for a Temporary Restraining Order were filed against Defendants on February 10, 2024: *Commonwealth of Massachusetts, et al. v. National Institutes of Health, et al.*, Case No. 1:25-cv-10338 (Doc. No. 1); *Association of American Medical Colleges (AAMC), et al. v. National Institutes of Health, et al.*, Case No. 1:25-cv-10340 (Doc. No. 1); and *Association of American Universities (AAU), et al. v. Department of Health and Human Services, et al.*, Case No. 1:25-cv-10346 (Doc. No. 1). On February 10, the Court granted a TRO in *Massachusetts v. NIH*, restraining Defendants from implementing the Supplemental Guidance NIH issued on February 7 in the Plaintiff States. Doc No. 25. The Court later entered a nationwide TRO in *Association of American Medical Colleges (AAMC) v. NIH*, 25-cv-10340 (Doc No. 8) and denied the injunction sought in *Association of American Universities (AAU) v. HHS*, 25-cv-10346, as moot. Doc No. 45. As required by the TROs, Defendants filed status reports confirming their compliance with the TROs and describing steps taken to ensure compliance on February 11 and 12. *See Mass. v. NIH*, Doc No. 25; *AAMC v. NIH*, Doc No. 8; *Mass. v. NIH*, Doc No. 46; *AAMC v. NIH*, Doc No. 15.

On February 13, 2025, the Court ordered Defendants to submit a single, consolidated opposition to the Motions for a Temporary Restraining Order to be filed in the three related matters. *Commonwealth of Massachusetts, et al. v. National Institutes of Health, et al.*, Case No. 1:25-cv-10338 (Doc No. 60). Defendants were prepared to file by 11:59 pm on February 14, but overlooked the earlier deadline for filings at 6:00 pm in this court. We learned of the earlier deadline only after it had passed, sought to confer with opposing counsel, and then filed this motion. No party should be prejudiced by the request; Defendants intend to file their opposition brief on the same day. And Defendants would not oppose a corresponding extension for Plaintiffs' reply briefs.

Accordingly, Defendants respectfully request they be granted an extension *nunc pro tunc* to file by 11:59 pm on February 14, 2025.

Respectfully submitted,

BRETT A. SHUMATE
Acting Assistant Attorney General

LEAH B. FOLEY
United States Attorney

BRIAN C. LEA
Deputy Associate Attorney General

Dated: February 14, 2025

/s/ Kevin P. VanLandingham
BRIAN C. LEA (Ga. Bar No. 213529)
Deputy Associate Attorney General
MARC S. SACKS (Ga. Bar No. 621931)
Deputy Director
KEVIN P. VANLANDINGHAM (NY Reg
No. 4741799)
Assistant Director
THOMAS PORTS (Va. Bar No. 84321)
Trial Attorney
U.S. Department of Justice

Civil Division
Corporate/Financial Section
P.O. Box 875
Ben Franklin Stations
Washington D.C. 20044-0875
Tel: (202) 307-1134
Email: kevin.p.vanlandingham@usdoj.gov
Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Dated: February 14, 2025

/s/ Kevin P. VanLandingham
Kevin P. VanLandingham